(4)

IN THE HIGH COURT OF MADHYA PRADESH ATJABALPUR

WRIT PETITION NO. 528 OF 1995

1. DevanandBadwani aged 41 yrs, s/o late Shri Gulabmal Badwani, r/o Fafadih, Raipur, District Raipur (MP).

2. Anil Kumar Badwani aged 30 years, s/o Shri Nichandas Badwani, r/o Fafadih, Raipur, District Raupur (MP).

3. Harish Kumar Badwani aged 24 years, s/o Shri Nichandas Badwani, r/o Fafadih, Raipur, District Raipur MP).

4. Suresh Kumar Badwani aged 37 years, son of Jodharam Badwani r/o Fafadih, Raipur, Distt. Raipur (MP).

5. Sunik Kumar Badwani aged 27 years, son of Shri Jhamumal Badwani, r/o Fafadih, Raipur, Distt. Raipur (MP)

6. Shri Jhamumal Badwani, aged 60 years, s/o of Shri Ram ~~&~~ Rakhaiyamal Badwani, r/o Fafadih, Raipur, Distt. Raipur (MP)

7. M/s Karmal Dwarka Prasad through Shri Anil Kumar Gangwani, aged 23 yrs, s/o late Shri Karamal r/o Fafadih, Raipur, Distt. Raipur (MP)

...PETITIONERS

VERSUS

1. State of M.P. Mineral Resources, Department of Vallabh Bhawan, Bhopal.

2. The Commissioner, Raipur Division, Raipur.

3. The Collector (Mining Section) Durg (MP)

4. The Mining Officer, Durg (MP)

..RESPONDENTS

...2

(3)

PETITION UNDER ARTICLE 226 & 227 OF THE

CONSTITUTION OF INDIA

1. PARTICULARS OF PETITIONER:

XI-HC-22

(84)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WPRN.D..15.88 **सन्** 2005 **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-7-2005

Shri R.S. Jaiswal, Sr. Advocate with Shri Yogesh Pandey, Advocate for the petitioner.

Shri N.K. Agarwal, Deputy Advocate General for the State/respondents.

Heard learned counsel for the parties.

The petitioner has preferred this writ petition questioning the legality and correctness of the order dated 7th/ 8th December, 1994 passed by the Collector, Durg, whereby the Collector imposed a fine of Rs.12,000/- under Rule 25 (1)(16) of M.P. Minor Minerals Rules, 1961 and also questioning the appellate order passed by the Commissioner whereby the order of Collector was upheld.

Learned counsel for the petitioner challenged the said order, amongst other grounds, on the ground of discrimination also and has mentioned that in similarly situated cases learned Collector in the case of Ashok Kumar vide Annexure G-1 dated 6th/ 7th June, 1994 imposed a fine of Rs.1,000/- only. In the case of Ashok Kumar by not submitting monthly statement of stock in time and not maintaining the record properly, fine of Rs.1,000/- was imposed.

Perusal of the petitioner's case shows that fine was imposed because monthly statement was not produced in time and record regarding excavation was not maintained properly and therefore, a fine of Rs.12,000/- was imposed.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
6 Barve	As far as the merit of the case is concerned, perusal of the order reveals that the petitioner failed to show proper cause after issuance of the notice for not filing the return and maintaining proper record regarding excavation, therefore, as far as merit is concerned, I do not find any substance in this writ petition. However, looking to the fine imposed on Ashok Kumar and the petitioner, it shows a substantial disparity. In view of the above, if the fine imposed on the petitioner is reduced to Rs.5,000/- that will meet ends of justice. Therefore, the petition is allowed, while maintaining the order passed by the Collector and the fine amount imposed on the petitioner is reduced to Rs.5,000/- from Rs.12,000/-. Certified copy as per rules. Sd/- L.C.BHADOO Judge	